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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,705	11/21/2003	Vadim Sheinin	YOR920030561US1 (17147)	2960
23389 7590 09/10/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER BLOOM, NATHAN J	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 09/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,705	Applicant(s) SHEININ, VADIM	
	Examiner NATHAN BLOOM	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/03/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 07/03/2008 have been fully considered but they are not persuasive.

3. In response to applicant's argument (pages 7-10 and page 12 3rd paragraph to page 13 1st partial paragraph) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the tracking of the stylus's tilt using only two points) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim requires a system comprising a method for determining a tilt using two points, but does not limit the set of points to only two as has been required by the presented arguments.

4. In response to applicant's arguments (page 11) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based

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on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. In response to applicant's arguments (final paragraph of page 11 that continues onto page 12) that the two year intervening period between the cited references and the current application is evidence of non-obviousness, the examiner would like to point out that this only shows non-anticipation and not non-obviousness.

6. In response to applicant's arguments (page 12 – 2nd full paragraph) against the Pittel reference, Pittel has taught both active (light sources), and passive (reflectors and color markings) stylus devices in paragraph 0028.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-9, 11-17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller (US 2002/0031243) in view of Pittel (US 2003/0095708).

Instant claim 1: A dynamic handwriting recognition system for a pervasive device comprising:

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a touch screen device [*Schiller paragraphs 0032-0035 teaches the use of a touch screen device (digitizing pad) on a PDA*];

a non-electronic, passive stylus means having no light source, enabling a user to write on said touch screen, said touch screen generating dynamic information associated with stylus writing [*Schiller teaches the use of the touch screen to generate dynamic handwriting information in combination with a stylus means is inherent for a touch screen device such as is described for use in Schiller which requires the generation of a signature.*];

a digital image capture means mounted in said pervasive device for obtaining images of said non-electronic stylus as said user writes on said touch screen; [*See below.*]

means for processing said obtaining images and extracting non screen-related information associated with non-electronic, passive stylus manipulation by said user, wherein said extracted non screen related information include tilt parameters associated with said non-electronic, passive stylus manipulation, said tilt parameters determined by two points in three-dimensional space; and [*Schiller teaches the use of handwriting information generated by the touchpad in combination with non touchpad information in paragraph 0060 (tilt information) to increase the accuracy of the recognition. However, Schiller does not teach the measuring or processing of this data with an attached camera device. However, Pittel: Teaches in Fig. 1-2, 7-8, 11, paragraphs 0003, 0004 (tilt of pen relative to writing surface), 0026, the use of a digital camera on a mobile device (such as a PDA see beginning of paragraphs 0004 and 0026) to perform handwriting recognition. Also, in paragraph 0004 Pittel teaches the measurement of the tilt of the writing element, which is known as taught by Schiller to increase the accuracy of the handwriting recognition. Thus it would have been obvious to one of ordinary skill in the art to*

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combine the teaching of Schiller with Pittel to substitute the pen based tilt measurement referred to in Schiller with a known camera based technique as taught by Pittel to yield the predictable result of determining the handwriting using touch-pad and tilt information. Furthermore, Pittel teaches in paragraph 0022 that a camera provides a real time approach and an increased signal to noise ratio thus providing up to date accurate readings, and in paragraph 0028 states that the pen can be electronic or non-electronic and thus Pittel teaches the use of a passive (reflectors or color markings). Also, as per figure 1 and paragraph 0028 of Pittel at least two points (three are depicted) are used to track the tilt of the device.]

handwriting recognition means receiving both said dynamic touch screen information and extracted non touch screen-related information from said processed images for recognizing writing of said user, wherein improved handwriting recognition is achieved [*See the rejection above. Schiller teaches the utilization of touch-pad handwriting recognition information as well as tilt information. Pittel teaches the measuring of tilt information using an alternative method (camera).]*

Instant claim 3: The dynamic handwriting recognition system as claimed in claim 1, wherein said pervasive device comprises a Personal Digital Assistant (PDA) device [*Pittel discloses the use of the camera on a portable electronic device in paragraph 0004 and Schiller in paragraph 0035 teaches a PDA.].*

Instant claim 4: The dynamic handwriting recognition system as claimed in claim 1, further including a touch screen control device for generating coordinates of said non-electronic, passive

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stylus writing upon said touch screen [*The generation of coordinates is an inherent part of handwriting recognition on a touch screen display. Furthermore, see paragraph 0060 of Schiller wherein the x,y vector data is used, and one of ordinary skill in the art understands that vectors have a direction, magnitude, and coordinate positions.*]

Instant claim 5: The dynamic handwriting recognition system as claimed in claim 1, wherein said digital image capture means obtains images in a plane perpendicular to a plane defined by said touch screen device [*Pittel Fig.1 and 2*].

Instant claim 6: The dynamic handwriting recognition system as claimed in claim 4, wherein said pervasive device implements pattern recognition means for extracting said non touch screen-related pen information [*Pittel: paragraph 0004 “The software is configured to apply pattern recognition to signals from the digital cameras”*].

Instant claim 7: The dynamic handwriting recognition system as claimed in claim 6, wherein said non-electronic, passive stylus means includes elements enabling recognition by said pattern recognition means [*Pittel: Fig 7 paragraph 0065 “The black (or other colored) tip of the marker would then be automatically tracked by the same phone and camera”. Furthermore, it has been known to one of ordinary skill in the art to track an object based on its own properties or a particular pattern (i.e. pattern recognition) placed on the object.*].

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Instant claim 8: The dynamic handwriting recognition system as claimed in claim 7, wherein said elements enabling pattern recognition includes colored segments in a structure known to said pattern recognition means [*Pittel: As per rejection of instant claim 8 the tip can be black or colored hence distinguishing it from the lighter colored writing surface by the different color segments.*].

Claims 9 and 11-16 describe the method performed by the system of claims 1-8, and as per rejection of claims 1 and 3-8 the system has been shown to be within the knowledge of “one of ordinary skill in the art”. Furthermore, since the system performs the described method then the method was also known to one of ordinary skill in the art at the time of the invention.

Instant claims 17-20: The limitations of instant claims 17-20 are encompassed by the limitations of instant claims 1-2 and 4-5. Thus instant claims 17-20 are rejected as per the rejections of instant claims 1-2 and 4-5.

Instant claims 21-23: The limitations of instant claims 21-23 are encompassed by the limitations of instant claims 6-8. Thus instant claims 21-23 are rejected as per the rejections of instant claims 6-8.

Contact Information

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Bloom whose telephone number is 571-272-9321. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian Q Le/

Primary Examiner, Art Unit 2624